

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of July 27, 2005. Reconsideration of this application in light of the amendment, and the allowance of the application are respectfully requested.

Claims 1, 2, and 4-13 were pending in the present application prior to the above amendment. In response to the Office Action, claims 1, 8, 9, and 13 have been amended. Therefore, claims 1, 2, and 4-13 are still pending in the present application and are believed to be in proper condition for allowance.

Initially, the Applicants acknowledge with appreciation, Examiners King and Siconolfi's cooperation in conducting a personal interview with the undersigned Applicants' representative on October 6, 2005. During the interview, the details of the present invention, as well as the Office Action and the cited prior art references, were discussed in detail. As explained during the interview, an important distinction between the present invention and the cited references is that the present invention calculates a target pressure, wherein the target pressure is higher during throttle-off modes than during throttle-on modes. The Examiner's interpretation of the cited prior art references and their relevance to the pending claims were also discussed in detail.

Referring now to the Office Action, claims 1, 2, 8, 12, and 13 were rejected under 35 U.S.C. 102(e) as being anticipated by Eslinger. The Examiner asserts that Eslinger discloses all of the limitations of the rejected claims, including a target means that calculates a target pressure, and an output that is responsive to the target means, where the target pressure is higher during throttle-off modes than throttle-on modes. As discussed during the personal interview, the Applicants respectfully disagree in that the present invention makes calculations in real time so that the target pressure is higher during throttle-off modes. The present invention also provides a control system that is adapted to change the target pressures the vehicle's real time operating state, for example, to set a higher target pressure than normal target pressure for the reservoir during a throttle-off mode. In contrast, as explained in the previously submitted Amendment in response to the prior Office Action and as discussed during the interview, Eslinger merely discloses a system that utilizes predetermined pressure values which are set limits for the reservoir.

Eslinger does not disclose, teach, or otherwise suggest, calculation or alteration of such limits as attained by the present invention.

However, in view of the discussions with the Examiner during the interview, and to expedite the prosecution of the present application, independent claim 1 has been amended to specifically recite that the target means calculates a target pressure in real time, and that the target pressure changes within the throttle-off mode and/or the throttle-on mode. In addition, independent claim 8 has been amended to specifically recite that the control system is adapted to change the target pressure during the zero throttle opening state. Moreover, independent claim 13 has been amended to specifically recite that the target pressure changes within the throttle-off mode and/or the throttle-on mode. Clearly, the cited Eslinger reference fails to disclose the present invention recited in these claims. In this regard, Eslinger does not disclose, teach, or otherwise suggest, changing the target pressure when operating in either of the throttle-off mode or the throttle-on mode. Instead, the target pressures are fixed, and are not changed when the vehicle is operating within these respective modes. Therefore, the withdrawal of this rejection, as well as the allowance of claims 1, 2, 8, 12, and 13 are respectfully requested, claims 2 and 12 being dependent on the above amended independent claim 1.

Referring again to the Office Action, claims 1, 2, 8, 12, and 13 were also rejected under 35 U.S.C. 102(b) as being anticipated by Tonegawa. However, it is respectfully noted that the Tonegawa reference only discloses a system having a control unit which is operable in two selected control modes which are for heavy loads, and light loads. Thus, as discussed in the Amendment filed in response to the previous Office Action, the system described in Tonegawa is configured to switch between two predetermined control states that are dependent upon a fixed upper threshold. Correspondingly, this rejection is believed to be rendered moot in that Tonegawa also fails to disclose, or otherwise render obvious, the present invention as claimed. Therefore, the withdrawal of this rejection and the allowance of claims 1, 2, 8, 12, and 13 are respectfully requested.

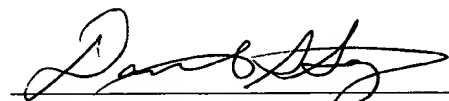
Referring again to the Office Action, claims 4, 5, and 9-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Eslinger and discussed briefly above. However, this rejection is also believed to be rendered moot with respect to claims 4 and 5 in that these claims are ultimately dependent upon the above-amended independent claim 1 which is believed to be in proper condition for allowance.

Furthermore, with respect to this rejection as applied to claims 9-11, independent claim 9 has now been amended above in view of the discussions during the interview, to specifically recite that the system includes a means to calculate a target pressure for the reservoir in real time, and that the target pressure changes within the throttle-off mode and/or the throttle-on mode. As briefly discussed above and during the interview, neither the Eslinger reference, nor the other prior art of record, discloses, suggests, or otherwise renders obvious, the present invention as now claimed. Correspondingly, the withdrawal of this rejection with respect to claims 9-11 is also respectfully requested, claims 10 and 11 being dependent on the allowable independent claim 9.

Referring again to the Office Action, claims 6 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Eslinger, discussed above, in view of Nishar et al. However, this rejection is believed to be also rendered moot in view of the above amendments to independent claim 1 upon which claims 6 and 7 ultimately depend. Moreover, it is respectfully noted that the cited Nishar et al. reference fails to cure the above noted deficiencies of the Eslinger reference. Therefore, even if these references are combined in the manner suggested by the Examiner, they fail to result in the control system for the compressor as specifically recited in independent claim 1. Therefore, the withdrawal of this rejection is also respectfully requested.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, he is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



Daniel S. Song, Reg. No. 43,143

NIXON PEABODY LLP
401 9th Street, N.W., Suite 900
Washington, D.C. 20004-2128
(202) 585-8000 (202) 585-8080 (Fax)
Customer No. 22204